

AMENDED IN SENATE JULY 1, 2014

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2425

Introduced by Assembly Member Quirk

February 21, 2014

An act to amend Sections 100700 and 100703 of the Health and Safety Code, relating to laboratories.

LEGISLATIVE COUNSEL'S DIGEST

AB 2425, as amended, Quirk. Laboratories: review committee.

Existing law requires laboratories engaging in the performance of forensic alcohol analysis tests by or for law enforcement agencies on blood, urine, tissue, or breath for the purposes of determining the concentration of ethyl alcohol in persons involved in traffic accidents or in traffic violations to comply with various existing State Department of Public Health regulations regarding the inspection of laboratories, collection and handling of samples, methods of analysis, and laboratory records, until the time those regulations are revised, as specified. Existing law requires the State Department of Public Health to establish a review committee, which is required to meet at least once in each 5-year period after its initial meeting, or within 60 days of receipt of a request by the department or a member of the review committee, to evaluate and determine revisions to relevant department regulations. Existing law requires the review committee to submit a summary of those revisions to the California Health and Human Services Agency and authorizes the agency to disapprove of one or more of those revisions within 90 days of receiving them. Existing law requires the

department to adopt regulations to incorporate the review committee's revisions.

This bill would exempt laboratories that are accredited in forensic alcohol analysis by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board or another accrediting agency approved by the review committee from the existing State Department of Public Health regulations described above *that conflict with more stringent specified requirements that are established by the accrediting agency*, until the ~~time~~ date when the department adopts regulations that incorporate the review committee's revisions. The bill would instead require the review committee to meet at least once in each 3-year period after its initial meeting and would require the review committee, in determining revisions, to take into consideration the advancement and development of scientific processes, including the reporting of results with an estimated uncertainty measurement. The bill would instead authorize the California Health and Human Services agency to disapprove of one or more of the review committee's revisions within 30 days of receiving them.

This bill would make an additional conforming change to existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 100700 of the Health and Safety Code
2 is amended to read:
3 100700. (a) (1) Except as provided in paragraph (2),
4 laboratories engaged in the performance of forensic alcohol
5 analysis tests by or for law enforcement agencies on blood, urine,
6 tissue, or breath for the purposes of determining the concentration
7 of ethyl alcohol in persons involved in traffic accidents or in traffic
8 violations shall comply with Group 8 (commencing with Section
9 1215) of Subchapter 1 of Chapter 2 of Division 1 of Title 17 of
10 the California Code of Regulations, as they exist on December 31,
11 2004, until the ~~time~~ date when those regulations are revised
12 pursuant to Section 100703.
13 (2) (A) Laboratories that are accredited in forensic alcohol
14 analysis by the American Society of Crime Laboratory
15 Directors/Laboratory Accreditation Board or another accrediting

1 agency approved by the review committee established pursuant to
2 Section 100703 ~~shall be~~ *are* exempt from the requirements in
3 Group 8 (commencing with Section 1215) of Subchapter 1 of
4 Chapter 2 of Division 1 of Title 17 of the California Code of
5 Regulations, as they exist on January 1, 2015, ~~until the time when~~
6 ~~the department adopts regulations that incorporate the review~~
7 ~~committee's revisions pursuant to Section 100703.~~ *that conflict*
8 *with requirements established by the accrediting agency, as*
9 *determined by the review committee, when the accrediting agency*
10 *requirements are:*

- 11 (i) *More stringent record keeping requirements.*
- 12 (ii) *Higher proficiency testing standards.*
- 13 (iii) *Higher number of site visits and onsite inspections.*
- 14 (iv) *More comprehensive training programs.*
- 15 (v) *More current coursework.*

16 (B) *The exemption identified in subparagraph (A) shall remain*
17 *in effect until the date when the department adopts regulations*
18 *that incorporate the review committee's revisions pursuant to*
19 *Section 100703.*

20 (b) Notwithstanding subdivision (a), the department shall not
21 require laboratories to be licensed.

22 SEC. 2. Section 100703 of the Health and Safety Code is
23 amended to read:

24 100703. (a) On or before July 1, 2005, the department shall
25 establish a review committee.

26 (b) The review committee shall have eight members, including
27 one person representing each of the following:

- 28 (1) Prosecuting attorneys.
- 29 (2) Law enforcement agencies.
- 30 (3) Defense attorneys.
- 31 (4) Coroners, pathologists, or medical examiners.
- 32 (5) Criminalists.
- 33 (6) Toxicologists.
- 34 (7) Crime laboratory directors.
- 35 (8) The State Department of Public Health.

36 (c) The review committee shall meet at least once in each
37 three-year period after its initial meeting, or within 60 days of
38 receipt of a request by the department or a member of the review
39 committee.

1 (d) The review committee shall evaluate Group 8 (commencing
2 with Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of
3 Title 17 of the California Code of Regulations and determine
4 revisions that will limit those regulations to those that the review
5 committee determines are reasonably necessary to ensure the
6 competence of the laboratories and employees to prepare, analyze,
7 and report the results of the tests and comply with applicable laws.
8 In determining revisions, the review committee shall also take into
9 consideration the advancement and development of scientific
10 processes, including the reporting of results with an estimated
11 uncertainty measurement. The review committee shall submit a
12 summary of revisions to the California Health and Human Services
13 Agency.

14 (e) Within 30 days of receiving the review committee's
15 revisions, the California Health and Human Services Agency may
16 disapprove of one or more of those revisions.

17 (f) (1) Except as provided in paragraph (2), the department
18 shall adopt regulations pursuant to this section that shall incorporate
19 the review committee's revisions. Nothing in this section shall be
20 construed as exempting the regulations from the requirements of
21 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
22 3 of Title 2 of the Government Code.

23 (2) The department shall not adopt regulations to incorporate
24 any review committee revisions that were disapproved under
25 subdivision (e).